

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

November, 1997

In October 1994, Governor Whitman signed the Underground Facility Protection Act into law. The New Jersey Board of Public Utilities (BPU) was designated as the agency charged with overseeing and enforcing compliance with the "One Call Law."

Excavation, or "third party," damage is the single largest cause of gas pipeline accidents, and can also cause major disruptions in telecommunications, water supply, electric power and other vital public services. Third party damage has on occasion resulted in fatalities, serious injuries, traffic nightmares, financial losses, and environmental impacts.

A devastating natural gas pipeline explosion which occurred in Edison on March 23, 1994 led state officials to develop one of the most rigorous excavation safety/One-Call programs in the nation. Since the passage of the law, the BPU has adopted stringent markout standards, taken enforcement action against violators of the law, fostered outreach and educational efforts, and strengthened pipeline safety rules. New Jersey is one of the most densely populated states in the country, and has among the highest per capita and per square mile rates of calls for mark-outs of buried facilities. Use of the One Call system has increased dramatically since 1995, along with compliance in the excavator and operator communities.

This booklet was developed by joint effort of the BPU, utilities and industry representatives as a comprehensive yet easily understood guide for those involved in the damage prevention process, answering some of the more frequently asked questions about the One Call system. It also provides a copy of the full text of the law. The Board wishes to extend our thanks to all of those who contributed to this booklet's creation.

The intent of New Jersey's One Call Law is to decrease the likelihood that underground utilities might be damaged by careless excavation, to monitor current excavation practices, and to promote a

pervasive awareness of the law. The cooperative efforts of each of the stakeholders involved in the concerns of underground facilities protection is essential in helping to ensure public safety through management of an effective One Call program in New Jersey.

Sincerely,

Herbert H. Tate, President

**NEW JERSEY Call Before You Dig
EXCAVATOR HANDBOOK
Call: 1-800-272-1000**

Not less than three (3) business days or more than ten (10)
business days in advance

Includes the NJ Underground Facility Protection Act

and

New Jersey Administrative Code
Chapter 2
including Markout Appendix A

Preface

This Handbook should be used for informational and reference purposes only. It is not intended to be a full and complete statement of the law or of the excavators' duties and responsibilities when engaging in excavations, demolitions, or blasting work. The New Jersey Legislature has enacted the Underground Facility Protection Act (L.1994, c. 118, effective November 17, 1994) N.J.S.A. 48:2-73 et seq. Specific reference should be made to this Act for duties and responsibilities it imposes on the excavator. Any further inquiries as to the duties and responsibilities of the excavator, should be referred to your attorney.

You are encouraged to copy all or part of this handbook as needed.

For questions and additional copies, please contact:

Douglas R. Ziemba, Sr.
State of New Jersey
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102
1 (973) 648-2203

**CALL FOR FREE MARKOUTS
NOT LESS THAN THREE (3) FULL BUSINESS DAYS
OR MORE THAN TEN (10) FULL BUSINESS DAYS
BEFORE YOU DIG IN NEW JERSEY
1-800-272-1000**

Visit New Jersey Utilities Association (NJUA) Website at:

www.NJUA.org/digit.htm

CALL BEFORE YOU DIG
TO LOCATE UNDERGROUND FACILITIES

1-800-272-1000

ANYWHERE IN NEW JERSEY

If you're going to dig, blast or drill in
New Jersey

Remember, it's the law!

Three business days notice

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Hand dig and locate within two feet of a markout
before operating any mechanized equipment

Visit the Board of Public Utilities Web Page at:

<http://www.bpu.state.nj.us>

When Do I Use the One-Call System?

Anytime you plan to dig (excavation, demolition, blasting) whether it's a small or a large construction or homeowner project (such as putting up a fence, clothes line pole, mail box post or even a real estate sign post, creating a "new" garden {existing gardens are excluded}, building a home addition, deck or foundation, etc.) you must call not less than three (3) business days or more than ten (10) business days in advance [NOT INCLUDING WEEKENDS AND/OR HOLIDAYS – see matrix]. The matrix timelines the start dates. Check the holidays and three-day timelines prior to making your call. The One-Call system will notify the operators of underground facilities for markouts of your planned activity.

Types of Locate Requests

There are basically two types or categories of requests made from excavators to utility operators through the One-Call System:

- 1.Regular Locate Request
- 2.Emergency Locate Request

What Determines A Regular Locate Request?

A regular locate request is the most common type of request that is processed through the One-Call System. The request is made at least three (3) business days in advance but not more than ten (10) business days in advance (see matrix and note exceptions) and involves a request for utility locates at a specific address or surrounding area for a specified dig start date. An excavation that is not commenced within ten (10) business days after notifying the One-Call system shall no longer be valid.

How Long Is A Regular Locate Request Valid?

A Regular Locate Request is valid for 30 business days. As long as work has been started within the first ten (10) business days. If your excavation, demolition or blasting goes beyond the 30 business days or your markings have become faded or are removed, you must call 1-800-272-1000 to extend the ticket.

What Determines An Emergency Locate Request?

The Underground Facility Protection Act defines an Emergency locate request as: "any condition constituting a clear and present danger to life, health or property caused by the escape of any material or substance transported by means of an underground facility or the interruption of a vital communication or public service that requires immediate action to prevent or mitigate loss or potential loss of the communication or public service, or any condition on or affecting a transportation right-of-way or transportation facility that creates a risk to the public of potential injury or property damage...".

An excavation that is undertaken in response to an emergency shall not

be subject to the three (3) business days notification requirement. However, the One-Call Damage Prevention System must be notified at the earliest reasonable opportunity and all reasonable precautions must be taken to protect any underground facilities that may be located at the site of the excavation.

How Long is an Emergency Locate Request Valid?

Underground facility markouts that have been completed through an emergency request for markout are only valid for the time that it takes to complete the emergency work. Any additional work at the emergency site after the emergency work is completed is not covered by the Emergency Locate Request. The excavator must recall the One-Call Center and request a Regular Locate Request which requires a three (3) business day notification before work can be done.

State Holidays and Digging Reminders

New Jersey State Holidays:

New Year's Day
Martin Luther King Jr.'s Birthday
Lincoln's Birthday
Washington's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Election Day
Veteran's Day
Thanksgiving Day
Christmas Day

NEW JERSEY REGULATIONS ON UNDERGROUND FACILITY MARKOUTS REQUIRE:

- A. All non-emergency requests for markouts must allow the underground facility owner three full business days to markout their facilities. Any request received at the One-Call Center after 5 p.m. on a business day is considered requested the next business day.
 - The One-Call Center will not accept "Short Notice", "In Progress" or "Design" markout requests.
 - Any non-emergency digging prior to the three business day markout time period will subject excavator to a fine.
- B. The One-Call Center will accept all requests

(emergency and non-emergency) 24 hours a day 365 days a year.

1-800-272-1000

Are All Underground Facility Operators Members of NJ One-Call?

All underground facility operators are required by state law to participate in the One-Call System, however, there may be some exceptions to this requirement (refer to the enclosed law). In situations where it appears that not all underground facilities are marked, call One Call again.

The New Jersey Underground Facilities Protection Act

The law requires persons excavating, blasting or demolishing to contact the One-Call Center before digging, and requires operators of underground utility facilities to be members of the One-Call system. This One-Call law went into effect in 1994.

Underground facilities can be damaged or ruptured by an assortment of digging instruments: a small bend or dent can create problems months later. These "hits" often result in damaged equipment, interrupted service and injuries. Excavators and contractors who do not obtain a markout confirmation number before digging or who do not wait the appropriate number of days before digging (see matrix) or who otherwise violate the Act may incur substantial civil penalties. [N.J.S.A. 48:2-86 and 88]

Preparation for Calling in a Locate Request

Use the toll free number 1-800-272-1000 24 hours a day/365 days per year. You must call for a free markout three (3) full business days before you dig (see matrix, page 7).

Locate Request Process

When you call, be prepared to give the One-Call operator at least the following information:

- contractor/excavator's name, office & field telephone #'s, fax #, pager #, best time to call
- contractor's address
- client's name, address, tele #
- name of caller, title, tele #, pager #, fax #, best time to call
- site address
- county, municipality
- nearest intersection
- type of work, depth of excavation
- extent of work

- start date, start time

Location Accuracy is Important

- pre-mark in white if appropriate before calling One-Call Center
- accurate address (village, city, township)
- nearest intersections
- county
- correct municipality
- don't use terms that can be confusing ("Right-of-Way," easement area, etc., use numeric measurements where possible)
- Define specific location using distance measurements. Example: "10 feet behind curb line, in street and 20 feet behind both curbs," etc.
- subdivision name
- lot and block (if available)
- mile marker for railways

Markout Ticket

New Jersey One Call System
NUMBER

CONFIRMATION

Transit Date:

At:

*****ROUTINE*****

Request No:

Operators Notified:

ABG=/ ABC GAS SE /XYZ=/XYZ CABLE /MCD=/MCI HAZLET /

BAS=/BELLATL SREG /DUW=/HAZLET WTR /ATE=/ATT EAST
NJ / NJP=/NJ PIPELINE /OXY=/OXY CHEM /NJN=/NJ NAT GAS
/

Location Information:

County:

Municipality:

Subdivision/ Community:

Street:

Nearest Intersection:

Other Intersection:

Type of Work:

Extent of Work:

Approximate Depth:

Location Reference:

Start Date/Time:

At:

Remarks:

Working For:

Address:

City:

Phone:

Contact:

Excavator Information:

Caller:

Title:

Phone:

Excavator:

Address:

City:

Phone:

Fax:

Contact:

Title:

Phone:

Best time:

Cellular

Alternate Field Contact:

(Optional)

Name:

Title:

Phone:

Fax:

Cellular:

Best time:

END TICKET

Record Keeping

The One-Call Center will supply a confirmation number when all necessary information is satisfied. A copy of the ticket will be mailed or faxed, at no charge to an excavator, if the request for a copy is made during the initial phone call.

Training for Excavators and Operators

Training is available through the One-Call Center and can be arranged by calling 1-732-394-3000.

Excavator Fax-to-locate

The One Call Center will accept a facsimile notification only after an excavator has made proper application to the One Call Center. For further details of this program contact the One Call Center at (732) 394-3000.

WHAT HAPPENS AFTER YOU CALL THE ONE-CALL CENTER AT 1-800-272-1000

HOW A CALL IS PROCESSED



1. Call at least 3 business days and not more than 10 business days in advance.
(1-800-272-1000)



2. Operators are available to take calls 24 hours/365 days a year.



3. The locate request is sent to a computer to determine what members are in the area.



4. The ticket is transmitted to members having facilities in the area stated on the locate request. Members sort messages and dispatch locators accordingly.



5. A locator from the appropriate member company(s), with facilities in the area, will respond and mark the location of their underground facilities.

Thought for September:
Ease your labor...
CALL BEFORE YOU DIG!!!

Responsibilities of the Excavator

- The excavator shall notify the One-Call Center (providing the appropriate information) three (3) business days in advance but not more than ten (10) business days prior to beginning demolition, excavation or blasting activities.
- Dig in a reasonable and prudent manner, taking all reasonable and required precautions to avoid damaging underground facilities.
- Mark and identify perimeter of proposed site of excavation in white where appropriate.
- Remember:
 - Supply as much pertinent information as possible when calling in location (house #, pole #, facility #, landmark to measure distance, nearest intersection, etc.)
 - No mechanized equipment within two (2) feet horizontally of the outside wall of any underground facility marked in accordance with the provisions of the NJ Underground Facility Protection Act or any rule, regulation or order adopted pursuant to this act, unless the underground facility has first been located by hand digging.
 - Digging must commence within ten (10) business days of call-in.
 - Protect and preserve markings, staking or other designations until no longer necessary for safe excavation, demolition or blasting.
 - Obtain new tickets every 30 business days.
 - Check surrounding area before excavating.
 - Plan excavation, demolition or blasting to avoid damage and minimize interference with underground facilities.
 - Use reasonable care.

An excavator shall immediately report to the operator of an underground facility any damage to the underground facility caused by or discovered by the excavator in the course of an excavation, demolition or blasting.

Responsibilities of the Facility Operator

- The facility operator is expected to mark, stake, locate or otherwise provide the position and number of its underground facilities that may be affected, within three (3) business days using proper markout standards.
- An underground facility shall be marked in accordance with standards approved by the Board.
- One-Call member companies are not required to locate privately owned or operated underground facilities (house to garage, buildings, yard lights, gas grills, etc.), if necessary contact private underground locating services to assist in locating privately owned and operated underground facilities.
- An operator must maintain a record of all damage to its underground facilities and provide an updated copy to the Board of Public Utilities (Board) on a quarterly basis.
- An operator must make a reasonable attempt to notify the excavator when the designated site is clear of their facilities.

Compliance with OSHA Regulation 1926.651

Before any excavation actually begins, the standard requires the employer to determine the estimated location of utility installations, sewer, telephone, fuel, electric, water lines or any other underground installations that may be encountered during digging. Also, before starting the excavation, the contractor must contact the utility companies or operators involved and inform them, within established or customary local response times, of the proposed work. The contractor must also ask the utility companies or operators to find the exact location of underground installations.

If an Underground Facility is Damaged

- The party causing the damage must call the operator whose facilities have been damaged using the emergency or repair number listed in the phone book immediately! The operators' flags are required to display an emergency "reach" number.
- If in doubt as to whose facility it is, call the One-Call operator to inform the facility operator in the area that a line or pipe has been damaged.
- An excavator shall immediately report to the operator of an

underground facility (or to the One-Call Center if the facility operator is unknown to the excavator) any damage to the underground facility caused by or discovered by the excavator in the course of an excavation, demolition or blasting.

If You Hit A Natural Gas Line, Follow These Steps

- Extinguish all open flames immediately. Prohibit smoking.
- Avoid any activity that could cause a spark, turn off all machinery. Stop cutting and welding. Don't use two-way radio.
- Alert everyone on the premises of the potential danger. Keep the public and traffic away.
- Evacuate the site.
- Call 911.
- Tape, rope, or place cones around the area. Maintain the site safely. Stay upwind of blowing gas.
- Do call the appropriate gas utility listed below:

Public Service Electric & Gas Co.	1-800-880-PSEG
New Jersey Natural Gas Co.	1-800-GAS-LEAK
South Jersey Gas Co.	1-800-582-7060
Elizabethtown Gas Co.	1-800-492-4009
- Wait for the professionals to arrive. Never try to fix a gas pipe yourself or extinguish a gas burning fire.
- Remember, some of the most serious accidents are caused by well-meaning individuals who try to help when they are not trained to do so.

“Reach” Numbers

It is the Excavator's responsibility as well as the operator's to provide a phone number where they can be reached. It is critical that feedback can be shared when necessary. Any of the following communication mediums are acceptable as long as they are checked **frequently**:

- office number with live person
- answering device
- fax machine
- mobile phone

- mobile fax
- pager
- e-mail or cc:mail

Alternate or Back-Up Methods of “Reaching” are Encouraged

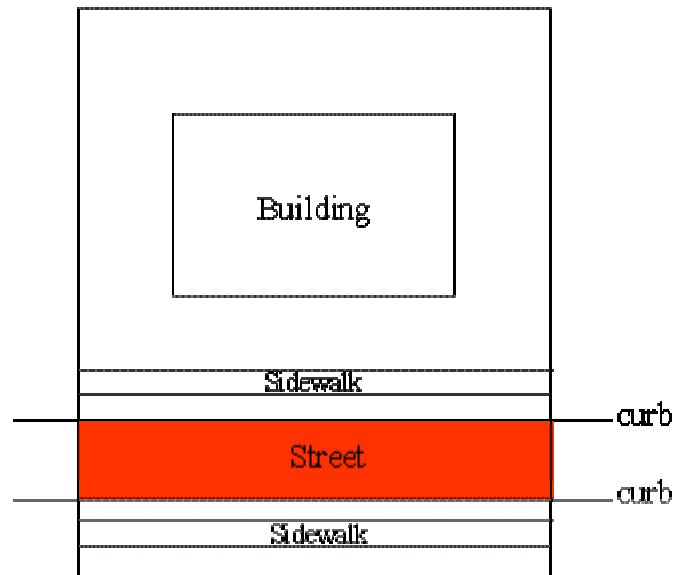
Excavators are encouraged to research and note day time and after hours telephone numbers of the representatives of the underground facilities companies that they commonly deal with, in the space provided on the back cover of this booklet.

See what you should be missing

Suggested Definitions And Terms For Markout Language



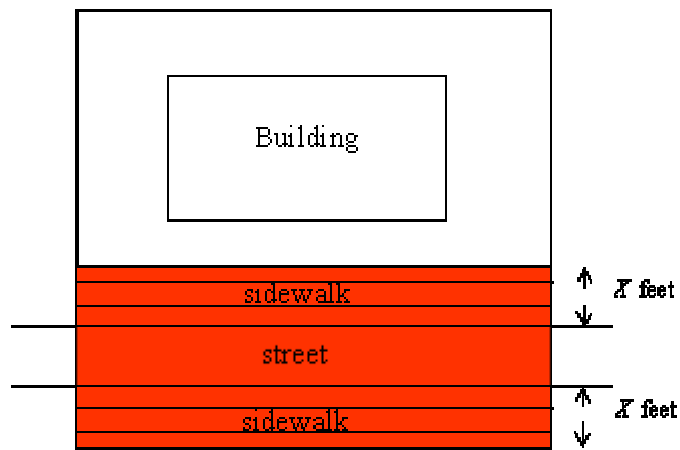
Pedestal (or pole, hydrant, etc.) in front of house #__ to house #__ (includes the entire property unless otherwise defined)



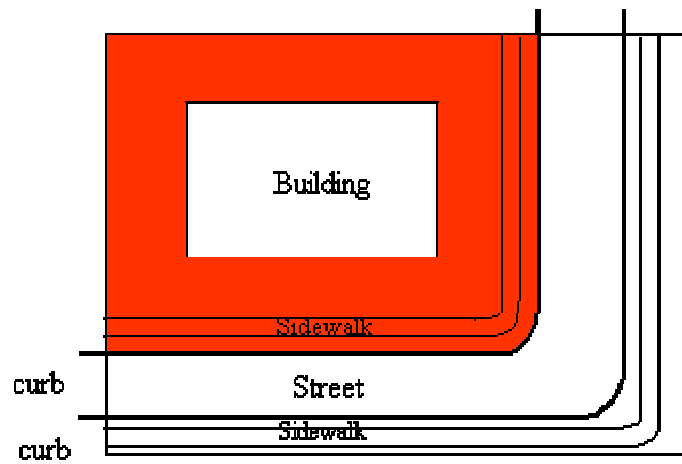
In the street = curb to curb

All terms are based on "from the street directly facing the proposed area to be excavated, demolished or blasted"

When in doubt – call it out... FOR ENTIRE PROPERTY

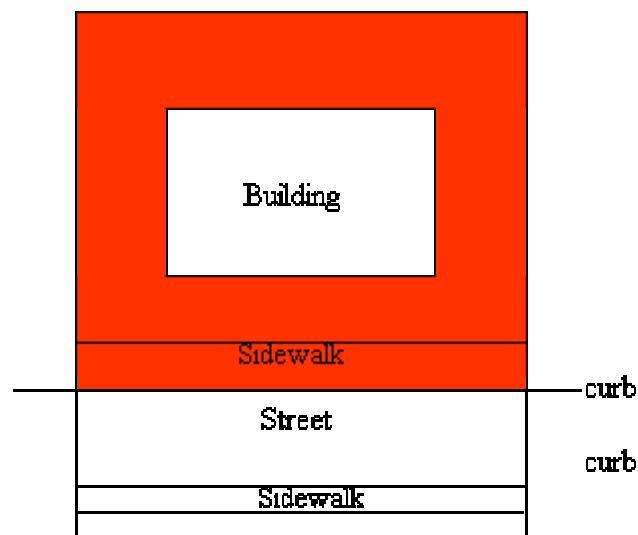


In the street and "x" feet behind the curb both sides

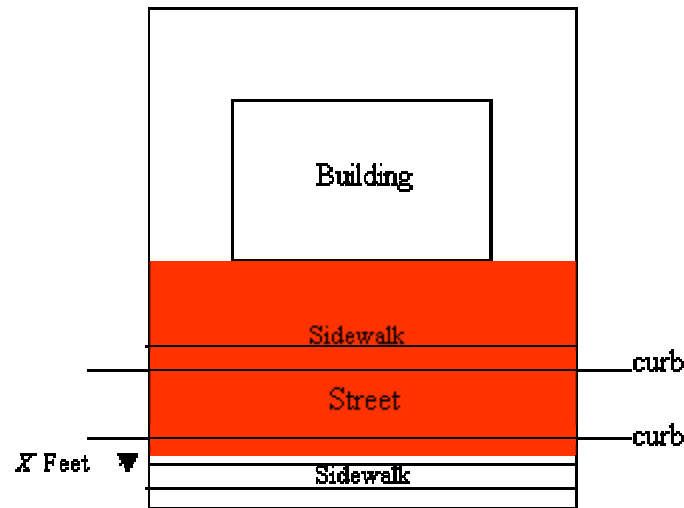


Excavator should identify if proposed excavation is a corner property. Entire Property will be marked out unless otherwise stated.

All terms are based upon "from the street directly facing the proposed area to be excavated, demolished or blasted."

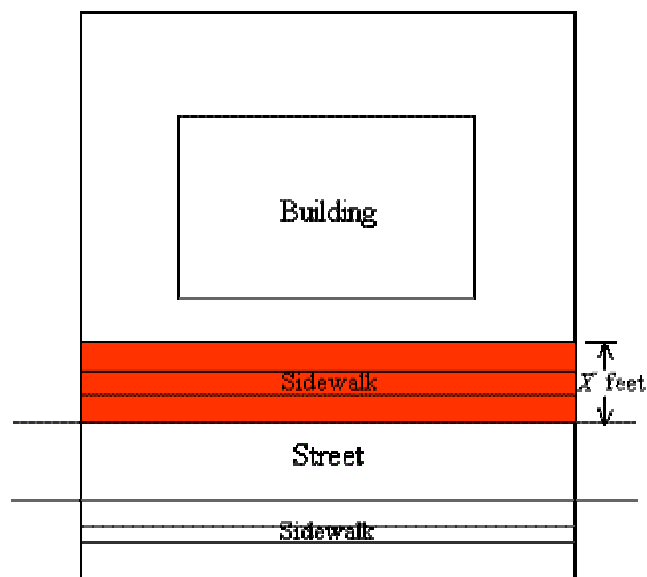


From the street facing the structure entire property.

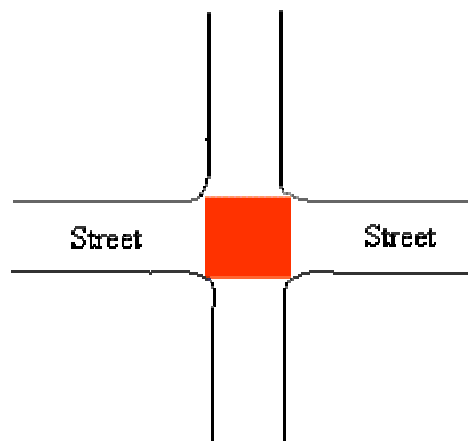


"x" feet behind opposite curb to structure

All terms are based upon "from the street directly facing the proposed area to be excavated, demolished or blasted."



Edge of curb (pavement) to "x" feet behind the curb



Entire Intersection – additional footage must be added as required.

All terms are based on "from the street directly facing the proposed area to be excavated, demolished or blasted."

When in doubt – call it out... FOR ENTIRE PROPERTY

DIGGING DOs

CALL BEFORE YOU DIG: 1-800-272-1000

**CALL 3 BUSINESS DAYS IN ADVANCE, BUT NO MORE
THAN 10 BUSINESS DAYS**

**COMMENCE EXCAVATION WITHIN 10 BUSINESS DAYS
OR TICKET IS NO LONGER VALID**

OBTAIN NEW TICKET AFTER 30 BUSINESS DAYS

**EXCAVATOR SHALL IMMEDIATELY REPORT ANY
DAMAGE CAUSED OR DISCOVERED TO THE
UNDERGROUND FACILITY**

**ALL EXCAVATORS (including Sub-Contractors) MUST
HAVE THEIR OWN TICKETS**

**PLAN EXCAVATION/DEMOLITION/BLASTING TO
AVOID DAMAGE AND MINIMIZE INTERFERENCE TO
UNDERGROUND FACILITIES**

**HAND DIG AND LOCATE WITHIN 2 FEET OF A
MARKOUT BEFORE OPERATING AND
MECHANIZED EQUIPMENT**

OBSERVE AND PRESERVE MARKINGS

CARELESSNESS COSTS

EMPLOY CAUTION

**NEW JERSEY UNDERGROUND
FACILITY PROTECTION ACT**

N.J.S.A. 48:2-73 through N.J.S.A. 48:2-91

12/97

**New Jersey State Law
Article 9
Underground Facility Protection**

N.J.S.A. 48:2-73. Underground facility protection act; short title

Sections 1 through 19 of this act shall be known and may be cited as the "Underground Facility Protection Act."

N.J.S.A. 48:2-74. Legislative findings and declaration

The Legislature finds and declares that damage to underground facilities caused by excavation and the discharge of explosives poses a significant risk to the public safety; that such damage to underground natural gas facilities poses a substantial risk to the public safety; and that the implementation of a comprehensive One-Call Damage Prevention System can substantially reduce the frequency of damage caused by these activities.

The Legislature therefore determines that it is in the public interest for the State to require all operators of underground facilities to participate in a One-Call Damage Prevention System and to require all excavators to notify the One-Call Damage Prevention System prior to excavation or demolition.

The Legislature further determines that the Board of Public Utilities is the appropriate State agency to designate the operator of, and provide policy oversight to, the One-Call Damage Prevention System and enforce the provisions of this act.

N.J.S.A. 48:2-75. Definitions

As used in this act:

"Board" means the Board of Public Utilities;

“Business day” means any day other than Saturday, Sunday, or a nationally or State recognized holiday;

“Damage” means any impact or contact with an underground facility, its appurtenances or its protective coating or any weakening of the support for the facility or protective housing, including, but not limited to a break, leak, dent, gouge, groove, or other damage to the facility, its lines, or their coating or cathodic protection.

“Emergency” means any condition constituting a clear and present danger to life, health or property caused by the escape of any material or substance transported by means of an underground facility or the interruption of a vital communication or public service that requires immediate action to prevent or mitigate loss or potential loss of the communication or public service, or any condition on or affecting a transportation right-of-way or transportation facility that creates a risk to the public of potential injury or property damage;

“Excavate” or “excavating” or “excavation” or “demolition” means any operation in which earth, rock, or any other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling to a depth greater than six inches, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence post or pile driving, and wrecking, razing, rending, or removing any structure or mass material, but does not include routine residential property or right-of-way maintenance or landscaping activities performed with non-mechanized equipment, excavation within the flexible or rigid pavement box within the right-of-way, or the tilling of soil for agricultural purposes to a depth of 18 inches or less;

“Excavator” means any person performing excavation or demolition;

“Hand digging” means any excavation involving non-mechanized tools or equipment, including but not limited to digging with shovels, picks and manual post-hole diggers;

“Mechanized equipment” means equipment powered by a motor, engine, or hydraulic, pneumatic or electrical devices, including but not limited to trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, and other equipment used for plowing-in cable or pipe, but does not include tools manipulated solely by human power;

“One-Call Damage Prevention System” means the communication system established pursuant to section 4 of this act;

“Operator” means a person owning or operating, or controlling the operation of, an underground facility, but shall not include a homeowner who owns only residential underground facilities, such as an underground lawn sprinkler system or an underground structure for a residential low-voltage lighting system;

“Person” means any individual, firm, joint venture, partnership, corporation, association, State, county, municipality, public agency or authority, bi-state or interstate agency or authority, public utility, cooperation association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

“Public entity” means any federal, State, county, or municipal entity responsible for issuing road opening, building, blasting, demolition or excavation permits;

“Site” means a specific place where excavation work is performed or to be performed and shall be identified by street address referenced to nearest intersecting street and sub-division name, if applicable, as well as by lot and block number, if available and by kilometer or mile markers for railways;

“State department or agency” means any department, public authority, public agency, public commission, or other political subdivision of the State, including any county, municipality or political subdivision thereof;

“Underground facility” means any public or private personal property which is buried, placed below ground or submerged on a right-of-way, easement, public street, other public place or private property and is being used or will be used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, or traffic control, or for the transportation of hazardous liquid regulated pursuant to the “Hazardous Liquid Pipeline Safety Act of 1979” (49 U.S.C. app. 2001 et seq.) But does not include storm drains or gravity sewers.

N.J.S.A. 48:2-76. One-Call Damage Prevention System established.

The Board of Public Utilities shall establish a One-Call Damage Prevention System pursuant to the provisions of this act, and may adopt, pursuant to the “Administrative Procedure Act”, P.L. 1968, c. 410 (C.52:14B-1 et seq.), such rules and regulations as it deems necessary to implement the provisions of this act. This system shall be a single Statewide 24-hour, seven-day-a-week notification center which shall:

- a. Receive and record the notice of intent to excavate provided by excavators pursuant to subsection a. of section 10 of this act;
- b. Assign a confirmation number to each notice of intent to engage in an excavation, inform the excavator of the confirmation number, and maintain a register showing the name, address, and telephone number of the excavator, the site to which the notice pertains, and the assigned confirmation number;
- c. Promptly transmit to the appropriate operators the information received from an excavator regarding any intended excavation in areas where the operators have underground facilities;
- d. Maintain a record of each notice of intent received pursuant to subsection a. of this section for a period of seven years from the date of notice; and
- e. Provide to the excavator the names of the operators who will be notified by the One-Call Damage Prevention System of the intended excavation.

N.J.S.A. 48:2-77. Operation of One-Call Damage Prevention System

- a. Five years after the effective date of this act, the board shall designate, through an appropriate administrative mechanism, a person to operate the One- Call Damage Prevention System. The board may, as necessary, adopt rules establishing the process by which it shall select a person to operate the system.
- b. The board shall designate the Garden State Underground Plant Location Service (GSUPLS), a non-profit corporation of this State, to operate the One-Call Damage Prevention System, on an interim basis, for five years after the effective date of this act. During this interim period, GSUPLS will operate the system in conformance with the provisions of this act and the board shall have policy oversight over operation of the system.

N.J.S.A. 48:2-78. Appropriate conditions for granting of waiver from operation requirements

The board may grant a waiver from the requirements of section 8 of this act for such reasons as it deems appropriate. The board shall have sole jurisdiction and authority for reviewing and granting or denying any waiver requested pursuant to this section. However, a waiver shall be deemed

appropriate in those instances when an operator demonstrates that:

- a. Damage to the underground facilities owned, operated, or controlled by the operator would pose no threat to the public safety; or
- b. There is no possibility that an underground facility owned, operated or controlled by the operator will be damaged by excavating activities.

An operator who has requested a waiver pursuant to this section shall participate in the One-Call Damage Prevention System while the request is being considered by the Board.

N.J.S.A. 48:2-79. System operator; responsibilities

The system operator shall:

- a. Operate the One-Call Damage Prevention System, which shall include but not be limited to the services described in section 4 of this act; [N.J.S.A. 48:2-77].
- b. Establish a schedule of fees under which each operator shall pay an equitable share of the costs of maintaining the One-Call Damage Prevention System. This schedule of fees shall be submitted to the board for review and approval and shall be subject to the continuing jurisdiction of the Board;
- c. Ensure that the One-Call Damage Prevention System operates in all areas of the State. The telephone number of the One-Call Damage Prevention System for providing any notice required by this act shall be a toll-free number
- d. Notify the public and known excavators of the requirement pursuant to this act for the mandatory use of the One-Call Damage Prevention System to locate underground facilities; and;
- e. Comply with all other provisions of this Act.

N.J.S.A. 48:2-80. Underground facilities operator; responsibilities

- a. Except as provided in sections 6 and 9 of this act [48:2-78 and -81] the operator of an underground facility shall:

(1) Participate in and comply with the requirements of the One-Call Damage Prevention System established pursuant to section 4 of this act [N.J.S.A. 48:2-76]; and

(2) Mark, stake, locate or otherwise provide the position and number of its underground facilities which may be affected by a planned excavation or demolition within three business days after receipt of the

information concerning a notice of intent to excavate transmitted pursuant to subsection a. of section 10 of this act. An underground facility shall be marked in accordance with standards approved by the board, which shall be based upon approved industry standards, and shall be marked at the site within 18 inches horizontally from the outside wall of the facility, in a manner that will enable the excavator to employ prudent techniques, which may include hand-dug test holes, to determine the precise position of the operator's underground facility. An underground facility shall be marked from information available in the operator's records or by use of standard locating techniques other than excavation. In temporarily marking the approximate position of an underground facility, an operator shall utilize the following color coding:

<u>Utility and Type Product</u>	<u>Identifying color</u>
Electric Power Distribution and Transmission	Safety Red
Municipal Electric Systems	Safety Red
Gas Distribution and Transmission	High Visibility Safety Yellow
Oil Distribution and Transmission	High Visibility Safety Yellow
Dangerous Materials, Product Lines, Steam Lines	High Visibility Safety Yellow
Telephone and Telecommunications	Safety Alert Orange
Police and Fire Communications	Safety Alert Orange
Cable Television	Safety Alert Orange
Water Systems	Safety Precaution Blue
Slurry Systems	Safety Precaution Blue
Sewer Lines	Safety Green

b. If an operator does not own, operate or control any underground facilities at the site concerning which he received information of a notice of intent to excavate transmitted pursuant to subsection c. of section 4 of this act, the operator shall make a reasonable effort to so advise the person giving the notice of intent to excavate, providing the notice is given within the time frame set forth in subsection a. of section 10 of this act.

c. An operator shall maintain a record of all damage to its underground facilities, including all damage reported by an excavator pursuant to subsection e. of section 10 of this act. An operator shall provide an updated copy of this record to the board on a quarterly basis.

N.J.S.A. 48:2-81. Marking, staking or locating of facility, applicability; compliance

a. The requirement, pursuant to paragraph (2) of subsection a. of section 8 of act, [NJSA 48:2-77] for an operator to mark, stake, locate or otherwise provide the position of its underground facilities shall not apply to an underground non-metallic water pipe or nonmetallic water distribution facility installed prior to the effective date of this act. An operator that qualifies for this exemption shall cooperate with the excavator in reasonable efforts to determine the location of such facilities.

b. The requirement pursuant to paragraph (2) of subsection a. of section 8 of this act for an operator to mark, stake, locate or otherwise provide the position of its underground facilities shall be deemed met by a State department or agency when an excavation is conducted on property or a right-of-way owned or controlled by the State department or agency and the excavation is subject to an excavation permitting process by the State department or agency if:

(1) The underground facilities of the State department or agency at the proposed excavation site comprise only traffic signals and lights or street and highway lights and their associated electrical feeds, control lines and traffic sensing loops;

(2) The State department or agency excavation permit is conditional upon the excavator notifying the One-Call Damage Prevention System; and

(3) The State department or agency provides the excavator with plans of the position and number of its underground facilities during the permitting process and agrees to cooperate on a continuing basis with the excavator in reasonable efforts to determine the location of such facilities, including notifying an excavator of any changes which may occur in the position or number of underground facilities after the initial issuance of plans to the excavator. However, the State department or agency may elect to mark, stake, or locate its underground facilities pursuant to the requirements of paragraph (2) of subsection a. of section 8 of this act.

If a State department or agency elects not to mark or stake its facilities under this subsection, an excavator who has conformed with the requirements of this act and all other applicable permit requirements, and uses reasonable care while excavating shall not be liable for damage to the State department or agencies underground facilities

N.J.S.A. 48:2-82. Notification of One-Call damage protection system by excavator, information to be provided, duties of excavator

a. An excavator shall notify the One-Call Damage Prevention System established pursuant to section 4 of this act [48:2-77] of his intent to engage in excavation or demolition not less than 3 business days and not more than 10 business days prior to the beginning of the excavation or demolition.

b. Upon notifying the One-Call Damage Prevention System, an excavator shall provide the following information:

(1) The name and telephone number of the person notifying the system;

(2) The name, address, and office and field telephone numbers and facsimile numbers of the excavator,

(3) The name, address and telephone number of the person for whom the excavation work is to be performed; and

(4) The specific site location, starting date, starting time and description of the intended excavation or demolition, including the approximate depth of the excavation or demolition.

c. Where appropriate to provide clarification, an excavator shall mark and identify the perimeter of the proposed site of the excavation by the color white prior to notifying the One-Call Damage Prevention System of his intent to engage in excavation or demolition.

d. An excavator shall:

(1) Not operate any mechanized equipment within two feet horizontally of the outside wall of any underground facility marked in accordance with the provisions of this act, or marked in accordance with any rule, regulation, or order adopted pursuant to this act, unless the underground facility has first been located by hand digging. Mechanized equipment shall be used with proper care and under adequate supervision to avoid damage to the underground facility,

(2) Plan the excavation or demolition to avoid damage to and to minimize interference with underground facilities;

(3) Use reasonable care during excavation or demolition to avoid damage to or interference with underground facilities; and

(4) After commencement of excavation or demolition, protect and preserve the marking, staking, or other designation of an underground

facility until the marking, staking, or other designation is no longer necessary for safe excavation or demolition.

e. An excavator shall immediately report to the operator of an underground facility any damage to the underground facility caused by or discovered by the excavator in the course of an excavation or demolition.

N.J.S.A. 48:2-83. Proof of notification required as condition for permission to excavate

The provisions of any other law, rule, regulation or ordinance to the contrary notwithstanding, any permit or permission for a road opening, building, blasting, demolition or excavation granted by a public entity to an excavator that will result in excavation or demolition activity shall not be effective until the excavator provides proof to the public entity that the excavator has notified the One-Call Damage Prevention System pursuant to section 10 of this act. [48:2-82]. This proof may be provided by supplying the public entity with the confirmation number assigned to the notice of intent pursuant to subsection b. of section 4 of this act [48:2-76]

N.J.S.A. 48:2-84. Exception for emergency excavations

The provisions of this act shall not apply when an excavation or demolition is undertaken in response to an emergency, provided that the One-Call Damage Prevention System is notified at the earliest reasonable opportunity and that all reasonable precautions are taken to protect underground facilities.

N.J.S.A. 48:2-85 Operators required to file map of pipeline

- a. An operator of an interstate natural gas pipeline or an interstate hazardous liquid underground pipeline shall file a map depicting the route of the pipeline in this State with the clerk of each municipality in the State through which the interstate pipeline passes, with the board, and with the Department of Environmental Protection.
- b. Nothing in this act shall be construed to modify or interfere with the enforcement jurisdiction of the United States Department of Transportation with regard to the operators of interstate pipelines.

N.J.S.A. 48:2-86. Violations; injunction; civil penalties

a. Whenever it appears to the board that a person has violated any provision of this act, or any rule, regulation or order adopted pursuant

thereto, it may issue an order specifying the provision or provisions of this act, or the rule, regulation or order of which the person is in violation, citing the action which constituted the violation, ordering abatement of the violation, and giving notice to the person of his right to a hearing on the matters contained in the order. Such order shall be effective upon receipt and any person to whom such order is directed shall comply with the order immediately.

b. The board may institute an action or proceeding in the Superior Court for injunctive and other relief for any violation of this act, or of any rule or regulation adopted pursuant to this act and the court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief notwithstanding the provisions of R.S. 48:2-24.

Such relief may include, singly or in combination:

(1) A temporary or permanent injunction; and

(2) Assessment of the violator for the costs of any investigation, inspection, monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection. Assessments under this subsection shall be paid to the State Treasurer.

The Board or an affected operator may institute an action in the Superior Court to enjoin a person whose repeated failure to comply with the provisions of this act constitutes a threat to public safety from engaging in any further excavation or demolition work with the State, except under such terms and conditions as the Superior Court may prescribe to ensure the safety of the public.

c. The provisions of section 16 of this act [48:2-88] to the contrary notwithstanding, a person who is determined by the board, after notice and opportunity to be heard, to have violated any provision of this act or any rule, regulation, or order adopted pursuant thereto with respect to a natural gas underground pipeline or distribution facility, or a hazardous liquid underground pipeline or distribution facility, shall be liable to a civil penalty not to exceed \$25,000 for each violation for each day the violation continues, except that the maximum civil penalty may not exceed \$500,000 for any related series of violations.

Any civil penalty imposed pursuant to this subsection may be compromised by board. In determining the amount of the penalty, or the amount agreed upon in compromise, the board shall consider the nature, circumstances, and gravity of the violation; the degree of the violators culpability; any history of prior violations; the prospective effect of the

penalty on the ability of the violator to conduct business; any good faith effort on the part of the violator in attempting to achieve compliance; the violator's ability to pay the penalty; and other factors the board determines to be appropriate.

The amount of the penalty when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the person charged or may be recovered, if necessary, in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). The Superior Court shall have jurisdiction, to enforce the provisions of "the penalty enforcement law" in connection with this act.

d. Pursuit of any remedy specified in this section shall not preclude the pursuit of any other remedy, including any civil remedy for damage to an operator's underground facilities or for damage to a person's property, provided by any other law. Administrative and judicial remedies provided in this section may be pursued simultaneously.

N.J.S.A. 48:2-87. Illegal excavations; third degree crime

Any person who knowingly engages in an excavation without:

a. First using the One-Call Damage Prevention System to determine the location of underground facilities in the area being excavated; or

b. Heeding appropriate location information or markings established by any operator; or

c. Otherwise complying with the provisions of this act; is guilty of a disorderly persons offense. If, because of the violation, damage occurs to an underground facility resulting in death, serious bodily harm, or actual damage to property or loss of service revenue exceeding \$50,000, or damage occurs to an underground hazardous liquid pipeline facility resulting in the release of more than 50 barrels of product, the person shall, upon conviction, be guilty of a crime of the third degree.

Nothing in this section shall limit the jurisdiction of the board with respect to natural gas pipeline safety or limit the jurisdiction of the board or a court of competent jurisdiction with respect to the civil administrative penalty and enforcement provisions of this act.

N.J.S.A. 48:2-88. Penalties

a. An operator or excavator, or the person who operates the One-Call

Damage Prevention System, who violates any provision of this act or any rule or regulation or order adopted pursuant thereto shall be liable to a civil penalty of not less than \$1,000 and not more than \$2,500 per day for each day the violation continues, except that the maximum civil penalty may not exceed \$25,000 for any related series of violations.

b. Any civil action pursuant to subsection a. of this section may be brought in a court of this State by the board or by an affected operator. Nothing in this act shall affect any civil remedy for damage to an operator's underground facility or for actual damage to any person's property.

N.J.S.A. 48:2-89. Failure to provide notice; prima facie evidence of negligence

Evidence that an excavation or demolition that results in any damage to an underground facility was performed without providing the notice required pursuant to section 10 of the act [48:2-77] shall be prima facie evidence in any civil or administrative proceeding that the damage was caused by the negligence of the person engaged in the excavation or demolition

N.J.S.A. 48:2-90. Civil penalties paid into general fund

All civil penalties recovered pursuant to this act shall be paid into the General Fund.

N.J.S.A. 48:2-91. Jurisdiction of Board not affected

Nothing in this act shall limit the jurisdiction of the Board:

a. Over public utilities pursuant to R.S. 48:2-1 et seq., notwithstanding the fact that a public utility may be an operator or excavator as defined in section 3 of this act [48:2-77] or

b. Concerning natural gas pipeline safety pursuant to R.S. 48:9-33

NEW JERSEY ADMINISTRATIVE CODE

N.J.A.C. 14:2-1.1 through 14:2-6.4

Including Standard Mark-out (Appendix A)

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APPENDIX

SUBCHAPTER 1. SCOPE

14:2-1.1 Scope

These rules govern the standards for the protection of underground facilities pursuant to the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

SUBCHAPTER 2. DEFINITIONS

14:2-2.1 Words defined

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the Underground Facility Protection Act.

"Board" means the Board of Public Utilities.

"Emergency" means:

1. Any condition constituting a clear and present danger to life, health or property caused by the escape of any material or substance transported by means of an underground facility, or by the interruption of a vital communication or public service that requires immediate action to prevent or mitigate loss or potential loss of the communication or public service; or

2. Any condition on or affecting a transportation right-of-way or transportation facility that creates a risk to the public of potential injury or property damage.

"Excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes, but is not limited to, drilling, grading, boring, milling to a depth greater than six inches, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence post or pile driving, and wrecking, razing, rending, or removing any structure or mass material. "Excavation" includes utility pole removal, and

does not include:

1. Routine maintenance of residential property or of a right-of-way performed with non-mechanized equipment, including the use of a hand tool to remove earth for the repair of a sprinkler system or to locate a property boundary marker;
2. Routine landscaping activities performed with non-mechanized equipment;
3. Excavation within the flexible or rigid pavement box within a right-of-way;
4. Tilling of soil for agricultural purposes to a depth of 18 inches or less; or
5. Routine landscaping activities with mechanized equipment that are intended to cut only vegetation, including lawn edging and de-thatching.

"One-Call Damage Prevention System" means the communication system established pursuant to N.J.S.A. 48:2-76.

"Operator" means a person owning or operating, or controlling the operation of, an underground facility, but shall not include a homeowner who owns only residential underground facilities, such as an underground lawn sprinkler system or an underground structure for a residential low-voltage lighting system.

"Routine" means an activity which is conducted on a cyclical basis, such as annually or seasonally, which is unlikely to result in damage to an underground facility.

"Site" means the specific place where excavation work is performed or to be performed.

"Underground facility" means any public or private personal property which is buried, placed below ground, or submerged on a right-of-way, easement, public street, other public place or private property and is being used or will be used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, or traffic control, or for the transportation of a hazardous liquid regulated pursuant to the provisions of 49 U.S.C. §§ 60101 et seq., but does not include storm drains or gravity sewers. For the purpose of this definition, "personal property" means a single conduit, or multiple conduits of the same facility type within a rigid envelope such as a concrete envelope. This envelope shall be considered one facility for the purposes of these rules, except as otherwise specifically provided.

SUBCHAPTER 3. SYSTEM OPERATOR

14:2-3.1 Designation

The Board shall designate a system operator who shall operate the One-Call Damage Prevention System under a tariff approved by the Board. The term of the system operator shall be five years, but the Board may rescind this designation if it determines, after hearing, that the designee is not operating the system in conformance with the Act. In the fifth year of a system operator's term, the Board shall advertise the position in the New Jersey Register and in newspapers of general circulation. The Board shall accept applications and designate a party for a new five year term based on a determination of the applicant that will best operate the system to achieve the purposes of the Underground Facility Protection Act. The Board shall announce its choice of system operator for the next term at least three months prior to the expiration of the current term.

SUBCHAPTER 4. EXCAVATORS

14:2-4.1 Notice

(a) An excavator shall notify the One-Call Damage Prevention System of his intent to engage in excavation or demolition not less than three business days and not more than 10 business days prior to the beginning of the excavation or demolition. In the case of a new notification that is required pursuant to (b) or (c) below, the excavator shall notify the system not less than three business days and not more than 10 business days prior to the date on which the previous notice ceases to be valid.

(b) Notice pursuant to (a) above for an excavation that is not commenced within 10 business days after notifying the One-Call Damage Prevention System shall no longer be valid and any excavation occurring after 10 business days shall require new notification pursuant to (a) above.

(c) Notice pursuant to (a) above for an excavation that is commenced within 10 business days shall remain valid for 30 business days from the notification, providing that the excavator maintains any markout that is made by an operator. Any excavation continuing after the 30 business days shall require new notification pursuant to (a) above.

(d) Where appropriate to provide clarification of the site of the intended excavation, an excavator shall mark and identify the perimeter of the proposed site using white paint or other appropriate white marking materials prior to notifying the One-Call Damage Prevention System of his intent to excavate.

14:2-4.2 Emergency excavations

(a) An excavation that is undertaken in response to an emergency shall not be subject to the notification requirements of N.J.A.C. 14:2-4.1, provided that the One-Call Damage Prevention System is notified at the earliest reasonable opportunity and that all reasonable precautions are taken to protect any underground facilities that may be located at the site of the excavation. Notification required pursuant to this subsection shall be given prior to excavation, if feasible. An excavator who provides notice of an emergency excavation that is not in compliance with the notification requirements of N.J.A.C. 14:2-4.1 shall include with the notice an explanation as to why such late notification was reasonable.

(b) An excavation with non-mechanized equipment that is undertaken between October 1 and April 30 of the following year, in order to repair or replace the vent or filler pipe of an underground heating oil tank or any other heating system in response to a service call by a customer, shall not be subject to the requirement of notifying the system operator not less than three business days prior to the beginning of the excavation. An excavator shall notify the One-Call Damage Prevention System operator prior to commencing the excavation, but the excavation may be commenced immediately upon notification.

SUBCHAPTER 5. MARKOUTS

14:2-5.1 Temporary markouts

All temporary markouts shall conform with the requirements of the Act, as supplemented by this subchapter.

14:2-5.2 Locations of markouts

(a) Markouts of an underground facility 12 inches or less in nominal outside dimension shall be over the center line of the underground facility

but no more than 18 inches horizontally from either outside wall of the underground facility.

(b) Markouts of an underground facility greater than 12 inches in nominal outside dimension shall be over each outside wall of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility.

(c) Markouts shall be made at intervals sufficient to clearly indicate the location and direction of the underground facility. However, the distance between any two marks indicating the same facility shall not be more than 25 feet. Site conditions or directional changes of the underground facility may necessitate a shorter distance between marks.

(d) Markouts shall conform with those standards set forth in Appendix A to this subchapter, incorporated herein by reference.

(e) If conditions exist which make it impossible to markout the center line or outside walls of the underground facility, the operator may indicate the location of the underground facility by use of offset markings that clearly indicate the location and course of the underground facility. Offset markings must follow the criteria set forth in N.J.A.C. 14:2-5.7.

(f) Whenever more than one underground facility of the same type is located within a rigid envelope, there shall be only one centerline or outside wall markout for the entire envelope.

14:2-5.3 Color and letter codes for markouts

(a) Markouts shall conform to the following colors and letters codes:

Facility or Product	Letter Designation Code	Uniform Color
Water Systems	W	Safety PrecautionBlue
Slurry Systems	SP	Safety PrecautionBlue
Sewer Lines	S	Safety Green
Telephone and Tele- communications	T	Safety Alert Orange
Fiber Optic Cable	FOC	Safety Alert Orange
Cable Television	TV	Safety Alert Orange
Police and Fire Com- munications	FA	Safety Alert Orange
Electric Power Distri- bution and Transmis- sion	E	Safety Red

Traffic Control (communications)	TC	Safety Alert Orange
Traffic Control (power)	TC	Safety Red
Gas Distribution and Transmission	G	High Visibility Safety Yellow
Petroleum products, Oil Distribution and Transmission	PP	High Visibility Safety Yellow
Steam	ST	High Visibility Safety Yellow
Hazardous liquids/Chemicals	CH	High Visibility Safety Yellow
Excavation boundaries		White
Proposed excavation		
Temporary surveys*		Pink

*Survey markings are not within the jurisdiction of the Board under the Act; however, the Board recommends that the accepted, industry standard pink color be used for survey markings.

These colors must conform to the Uniform Color Code of the Utility Location and Coordination Council (106 West 11th St., Suite 1800, Kansas City, Missouri 64105) using Standard Z53.1 of the American National Standards Institute, Inc. (1430 Broadway, New York, New York 10018), incorporated herein by reference

14:2-5.4 Markouts made on paved, concrete, brick or other firm surfaces

Markouts made on paved, concrete, brick, or other firm surfaces where the use of temporary stakes or flags is not possible, shall be made with paint or other suitable marking material that makes an equivalent mark, in accordance with the color code provided in N.J.A.C. 14:2-5.3. Reference in this subchapter to paint shall be construed to include other suitable marking material that makes an equivalent mark. The paint shall have sufficient lasting properties so as to withstand vehicular traffic during the course of the excavation, but shall be sufficiently degradable with time as to not be permanent.

14:2-5.5 Centerline markouts

(a) Painted markouts of underground facilities of 12 inches or less nominal outside dimension shall consist of the following:

1. Three paint marks, each approximately eight inches to 10 inches in

length, and approximately one inch to two inches in width, with the eight inch to 10 inch side of each paint mark over the center line of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility. A minimum of three separate paint marks shall be made for each underground facility;

2. The appropriate uniform color; and

3. The appropriate letter designation code and the nominal outside dimension of the underground facility in inches, centered between the paint strokes. All letters and numbers shall be six to eight inches in height. Whenever more than one facility is located within a rigid envelope, the markout shall state the dimension of the envelope, not of the individual facilities.

(b) Illustrations of a centerline markout are set forth in Appendix A, figures 2 and 6.

14:2-5.6 Outside dimension markouts

(a) Painted markouts of underground facilities greater than 12 inches nominal outside dimension shall consist of the following:

1. Three pairs of parallel marks, with three marks over each outside wall of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility. A minimum of three separate pairs of paint marks shall be made for each underground facility;

2. The appropriate uniform color; and

3. The appropriate letter designation code and the nominal outside dimension of the underground facility in inches, centered between the parallel marks. All letters and numbers shall be six to eight inches in height. Whenever more than one facility is located within a rigid envelope, the markout shall state the dimension of the envelope, not of the individual facilities.

(b) Illustrations of an outside dimension markout are set forth in Appendix A, figures 3 and 6.

14:2-5.7 Offset markouts

(a) An offset markout shall be made with paint on a firm surface.

(b) An offset markout symbol shall consist of the following:

1. Two perpendicular paint marks one inch to two inches in width and eight inches to 10 inches in length with an arrow head in the direction of the offset;
2. The facility letter code designation pursuant to N.J.A.C. 14:2-5.3;
3. The nominal outside dimension of the facility; and
4. The offset distance in inches and the letters "OFF".

(c) An offset markout for an underground facility of 12 inches or less nominal outside dimension shall consist of a pair of offset markout symbols as defined in (b) above. The base of each symbol shall be over the offset center line of the underground facility but no more than 18 inches horizontally, plus the offset distance, from either wall of the underground facility. A minimum of three separate offset paint markouts shall be made for each underground facility.

(d) Illustrations of an offset centerline markout are set forth in Appendix A, figures 4 and 6.

(e) An offset markout for an underground facility of greater than 12 inches nominal outside dimension shall consist of a pair of parallel offset markout symbols as defined in (b) above. The base of each symbol shall be over one offset outside wall of the underground facility, but no more than 18 inches horizontally, plus the offset distance, from either wall of the underground facility. A minimum of three separate offset paint markouts shall be made for each underground facility.

(f) Illustrations of an offset outside dimension markout are set forth in Appendix A, figures 5 and 6.

14:2-5.8 Markouts made on non-firm surfaces

(a) Markouts made on grass, dirt, sand, or other non-firm surfaces shall be made with paint, to the maximum extent feasible, in accordance with N.J.A.C. 14:2-5.4 through 5.6 and, in addition, shall be marked with wooden or equivalent stakes and/or plastic flags.

(b) Stakes shall be two inches by two inches by 24 inches (nominal). Not less than 18 inches of the stake shall be exposed above the surface of the ground. The top six inches of the stake shall be colored in

conformance with the color coding requirements of N.J.A.C. 14:2-5.3. The type of facility shall be identified on the side of the stake by one inch minimum size letter designations conforming to N.J.A.C. 14:2-5.3. The name of the operator of the underground facility shall be identified by either the operator's initials or logo in one inch minimum black lettering on the stake.

(c) Plastic flags shall be four inches by five inches (nominal) rectangular shape, attached to a staff that is a minimum of 24 inches in length. The top of the flag shall be not less than 18 inches above the surface of the ground. Flags shall be colored in conformance with the color coding requirements of N.J.A.C. 14:2-5.3. Flags shall indicate the type of underground facility by appropriate letter code, and shall also identify the name of the operator of the underground facility by either the operator's initials or logo. The facility operator's telephone number or the telephone number of the New Jersey One-Call Damage Prevention Center (1-800-272-1000) shall be shown on the flag.

(d) Illustrations of a stake markout and a plastic flag markout are set forth in Appendix A, figures 1 and 6.

(e) Markouts done in accordance with (a) above of facilities 12 inches or less in nominal outside dimension shall be flagged and/or staked over the center line of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility. A minimum of three separate flags or stakes shall be utilized for each underground facility.

(f) Markouts done in accordance with (a) above of facilities greater than 12 inches nominal outside dimension shall consist of a pair of parallel stakes, one over each outside wall of the facility, but no more than 18 inches horizontally from either outside wall of the underground facility, with a flag conforming to the requirements of subsection (c) of this section centered between the parallel stakes. A minimum of three separate sets of stakes and center flags shall be utilized for each facility.

14:2-5.9 Records of markouts

(a) An operator shall make and maintain for seven years a record of each markout of its underground facilities. These records shall conform to the following minimum requirements:

1. A written record of the markout that identifies:
 - i. The location of the markout by street addresses and, where

appropriate, lot and block number;

- ii. The name(s) of the person(s) performing the markout including the names of any contractors who performed the markout for the operator;
- iii. The time and date the markout was performed; and
- iv. The markout method(s) employed, such as paint, stakes and/or flags, centerline markout, outside dimension markout and/or offset markout.

(b) In addition to a written record made pursuant to (a) above, an operator may make and maintain a record of the markout using photography or other equivalent electronic documentation, which shall:

1. Be made with color print film, if photography;
2. Depict the entire markout performed;
3. Adequately show landmarks in the vicinity of the markout in sufficient detail to establish the location of the markout; and
4. Be emblazoned with an automatic date or time stamp at the time the photographic or equivalent record is made.

(c) Operators shall make the records made pursuant to (a) and (b) above available to the Board or its staff upon request.

14:2-5.10 Markouts around white perimeter markings

Whenever an excavator has marked the perimeter of a proposed site of excavation by the color white as part of the excavator's notification to the One-Call Damage Prevention System, an operator shall mark out all of the operator's facilities that lie within 10 feet of the white perimeter marking.

SUBCHAPTER 6. UNDERGROUND FACILITY OPERATORS

14:2-6.1 General requirements

- (a) An operator of an underground facility shall:

1. Participate in and comply with the requirements of the One-Call Damage Prevention System that are set forth in the Act and in this chapter; and

2. Mark out its underground facilities in compliance with the markout standards in N.J.A.C. 14:2-5 within three business days after receipt from the One-Call Damage Prevention System operator of the information concerning a notice of intent to excavate.

- (b) An underground facility operator who does not own, operate or control any underground facility at the site concerning which the operator received information of a timely notice of intent to excavate shall make a reasonable effort to so advise the excavator within three business days of receipt of the information.

14:2-6.2 Markout exemptions

- (a) The following operators are not subject to the markout requirements in N.J.A.C. 14:2-5:

1. An operator of an underground non-metallic water pipe or non-metallic water distribution facility that was installed prior to November 18, 1994; and

2. A State agency operator that meets the requirements of N.J.S.A. 48:2-81(b).

- (b) An operator that qualifies for the limited exemption in (a) above shall otherwise participate in and comply with the requirements of the One-Call Damage Prevention System. An operator of such a facility who receives information of a timely notice of intent to excavate shall cooperate with the excavator in reasonable efforts to determine the location of the facility.

14:2-6.3 Interstate natural gas or hazardous liquid pipelines

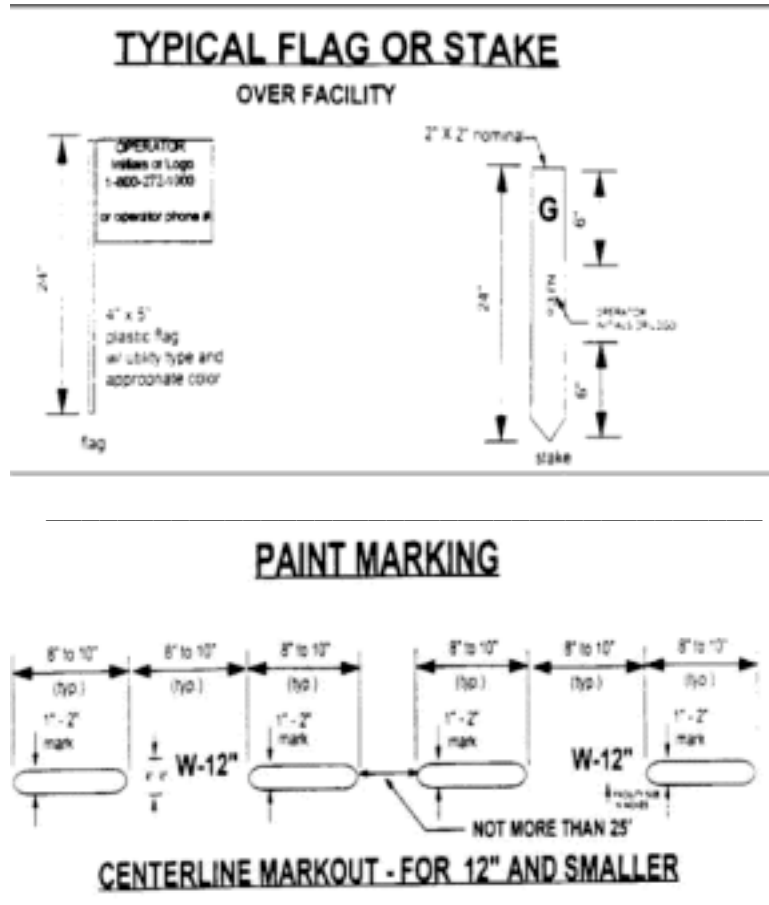
An operator of an interstate natural gas pipeline or an interstate hazardous liquid underground pipeline shall file a map depicting the route of the pipeline in this State with the Board, with the Department of Environmental Protection, and with the clerk of each municipality in the State through which the interstate pipeline passes.

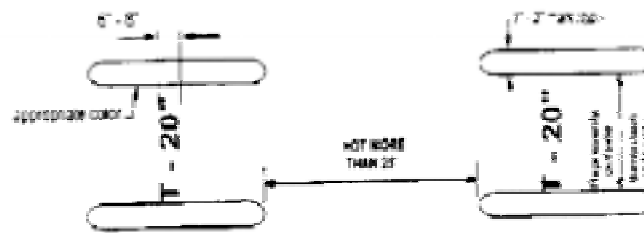
14:2-6.4 Operator waivers

- (a) The Board shall grant a waiver after application therefore when an operator demonstrates that:

1. Any damage that may be caused to an underground facility owned, operated or controlled by the operator would pose no threat to the public safety; or
 2. There is no possibility that an underground facility owned, operated or controlled by the operator will ever be damaged by an excavation.
- (b) An applicant for a waiver pursuant to (a) above shall follow the procedures for a petition set forth in N.J.A.C. 14:1-4.

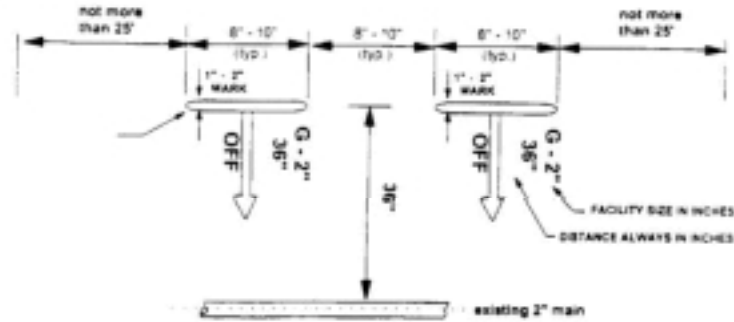
Markout Diagrams





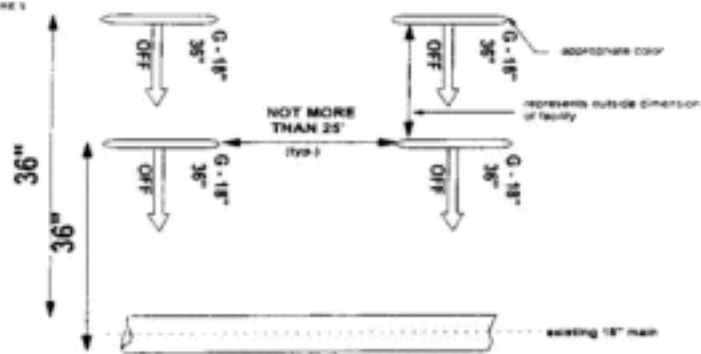
OUTSIDE DIMENSION MARKOUT - FOR GREATER THAN 12"

FIGURE 4



OFFSET MARKOUTS FOR 12" AND SMALLER

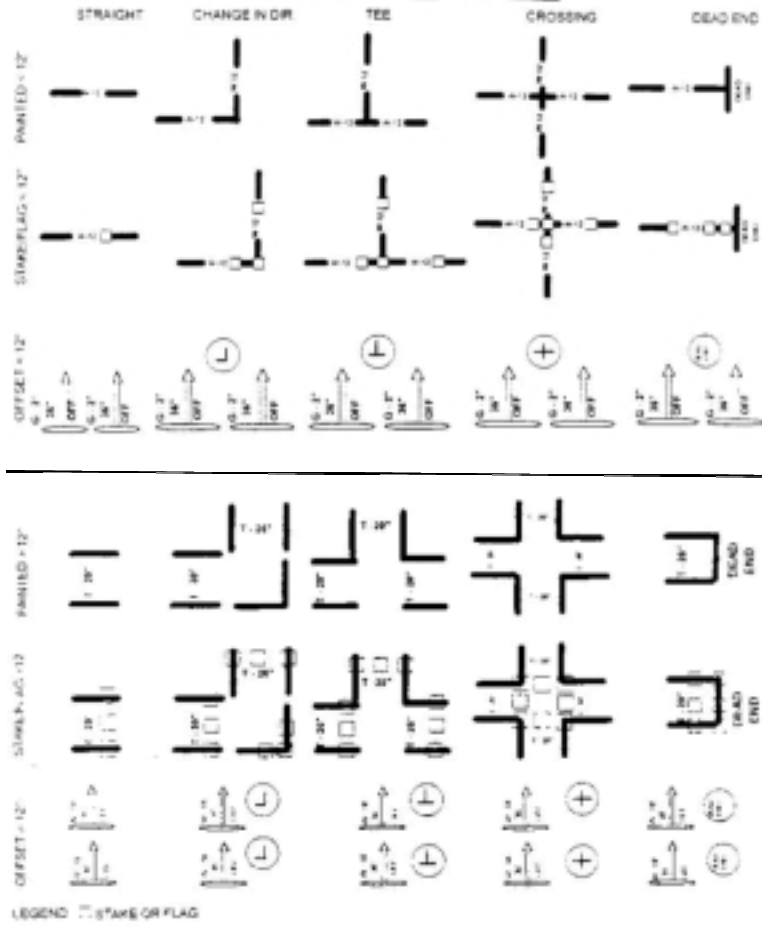
FIGURE 5



OFFSET MARKOUTS FOR GREATER THAN 12"

FIGURE 2

MARKOUT DIAGRAMS



Free Promotional Items

**Handbooks
Color Code Cards
Key Chains
Letter Openers
One-Call Pamphlets**

Contact:

Douglas R. Ziemba, Sr.
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
Phone: (973) 648 – 2203
Fax: (973) 648 – 2242
E-Mail: ziemba@bpu.state.nj.us